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**Subject:** EPA Mid-Atlantic Region Headlines -- Thursday, August 20, 2015

# EPA Mid-Atlantic Region Headlines

Thursday, August 20, 2015

\*\*\* DAILY HOT LIST \*\*\*

## Environmental group: Virginia Carbon goals within reach

**NEWPORT NEWS DAILY PRESS** The Obama administration's unprecedented Clean Power Plan directs states to reduce carbon emissions from existing power plants by 32 percent from 2005 levels by the year 2030 in order to curb greenhouse gases fueling climate change. The good news for Virginia? The state is already well-positioned to not only meet its mandated reductions, but exceed them, according to the Natural Resources Defense Council (NRDC), an international environmental advocacy group based in D.C. "There's been a lot of misinformation that somehow reducing carbon emissions in Virginia is this really gargantuan heavy lift that will be very costly," NRDC staff attorney Walton Shepherd said in a phone interview Tuesday. "And that basically ignores the business-as-usual cleanup of Virginia's energy mix that has been underway for some time — primarily the retirement of old coal plants. There's just been a whole wave of retirements over basically the last three years, and will continue into the next year, of the highest-carbon-emitting power plants in Virginia. So that will get Virginia a huge step forward as far as reducing carbon emissions and meeting the requirements of the Clean Power Plan." In fact, he said, ongoing efforts to retire plants and upgrade others to lower-carbon fuels, combined with the state's goals to increase energy efficiency and renewables, will position the state to exceed federal targets. "Literally, you wouldn't have to do any other steps other than business-as-usual changes," Shepherd said. The power plan sets the first-ever federal standards for carbon pollution from fossil-fueled power plants. Each state can devise its own blueprint to achieve those standards, whether through energy efficiency, renewables, natural gas and nuclear and carbon capture and storage. Low-lying Hampton Roads is especially vulnerable to the rising seas and more intense storms associated with climate change. Gov. Terry McAuliffe says he'll work with stakeholders to craft a state plan, which is due by September 2016.

## Southern plea deal returns millions to former Freedom executive

**CHARLESTON GAZETTE-MAIL** Former Freedom Industries President Gary Southern on Wednesday pleaded guilty to three water pollution crimes in a deal that will send him to jail, but set the stage for him to get back \$7.3 million and a Bentley luxury car that were seized when he

was charged for his role in the January 2014 Elk River chemical spill. In a hearing before U.S. District Judge Thomas Johnston, Southern pleaded guilty to negligent discharge of a pollutant, unlawful discharge of refuse into a stream, and negligent violation of a water pollution permit. "Guilty, your honor," Southern said three times when asked by Johnston for his plea to each of the misdemeanor counts. Asked if he committed the crimes he was pleading guilty to, Southern added, "Yes, your honor." Southern, 53, faces a minimum of 30 days and a maximum of three years in prison and a fine of up to \$300,000. Johnston scheduled a sentencing hearing for 2 p.m. on Dec. 16. Under a plea deal with Southern, prosecutors agreed to drop 12 felony counts related to bankruptcy fraud allegations that Southern had tried to hide his personal wealth from Freedom's bankruptcy case and civil lawsuits filed over the spill. Southern is the last of six former Freedom officials to enter a formal guilty plea related to the Jan. 9, 2014, spill in which crude MCHM and other chemicals from a leaky storage tank at Freedom's Etowah River Terminal contaminated the drinking water supply for hundreds of thousands of residents in Charleston and surrounding communities. U.S. Attorney Booth Goodwin touted the guilty pleas — which force four of the Freedom officials to face mandatory jail time — as a "wake-up call" to other corporate executives that, "If you place our water at risk, you face prison time." "You can't live without water," Goodwin said during a press conference, held at the federal courthouse just after Southern's plea hearing. "We have to make it crystal clear that this kind of behavior will not be tolerated." But by dropping the bankruptcy fraud counts, the government also agreed to return to Southern his Bentley and more than \$7.3 million from six different bank accounts, and to lift a lien that was placed on Southern's home on Marco Island, Florida. Federal agents seized the property, but the seizures were legally allowed only under the bankruptcy fraud counts.

## **Contamination still a barrier at old Montco air base**

**PHILADELPHIA INQUIRER** A nearly billion-dollar redevelopment of the former Willow Grove Naval Air Station remains at least a year away, still slowed by last year's discovery of water contamination on the site. At a meeting Wednesday, the Horsham Land Redevelopment Authority (HLRA) said it was amending its purchase proposal and other planning documents to account for the contamination and cleanup. The 862-acre base, selected for closure a decade ago, remains mostly vacant. The authority plans to build homes, offices, stores, a museum, a school, and other facilities on the Montgomery County site. Michael McGee, executive director of the authority, said the Navy "has been aggressively attacking the problem" of perfluorinated compounds in some wells near the base. But plans that were in place before the contamination was registered are still being amended, he said. The federal government will continue to be responsible for the cleanup efforts even after it lets go of the land. In the meantime, it is providing clean water to private well owners, and working with the Horsham Water and Sewer Authority to develop a remediation plan for the contaminated wells, officials said. The chemicals, commonly used in firefighting foam, were classified as an emerging contaminant by the EPA last summer. The agency has yet to specify what remediation methods will be approved, McGee said. "Until that happens, I don't think either party, the Navy or the HLRA, is ready to come to the table" to negotiate a sale of the base, McGee said. Many other hurdles have been surmounted. The Navy this spring completed its Environmental Impact Statement and other paperwork needed to sell the land. The authority has contracted with a California-based firm to serve as master developer, and McGee said the board is expected to vote on the final land-

transfer proposal this fall. After that, the sides can begin to discuss a purchase price, he said. Of the 22 military facilities closed in the 2005 round of realignments and closures, Willow Grove may be the last transferred off the federal books. In a 2013 report, the authority estimated that the redevelopment would generate \$928 million in construction costs, 10,000 jobs, and \$15.6 million a year in new tax revenues for Horsham Township.

## **EPA Proposes Methane Rule for Oil and Gas Industry**

**WEST VIRGINIA PUBLIC BROADCASTING** The federal Environmental Protection Agency proposed a new rule this week that would regulate methane gas pollution in the oil and gas industry. Methane is a potent greenhouse gas and the Obama administration wants to see emissions cut in half over the next decade. The EPA reports methane gas is the “second most prevalent greenhouse gas emitted in the United States by human activities.” While its lifespan in the atmosphere is shorter than other gases, the EPA says, “pound for pound, the comparative impact of methane on climate change is 25 times greater than carbon dioxide in a 100 year span.” “Today, through our cost-effective proposed standards, we are underscoring our commitment to reducing the pollution fueling climate change and protecting public health while supporting responsible energy development, transparency and accountability,” said EPA Administrator Gina McCarthy. Environmental lawyer Harry Weiss explains that the proposed rule builds on regulations issued in 2012. “This rule is meant to extend that regulation to the transmission of natural gas from the well to the interstate pipelines and to market,” Weiss said. The new rule would only apply to new or modified natural gas wells. Officials estimate it would cost industry between three and five-hundred million dollars, with reduced health care costs and other benefits totaling around 500-million dollars. As for the legality of the proposed rule? “The Obama Administration is under order of the supreme court to regulate greenhouse gas emissions,” Weiss said. “That was case known as Massachusetts v. EPA.” Weiss says litigation is likely after the rule is finalized later next year. He says some states may already have methane emission regulations in place. West Virginia is not among those states, according to the state’s Department of Environmental Protection. West Virginia’s senators in Washington, Joe Manchin and Shelley Moore-Capito, have both released statements saying they strongly disapprove of the rule. Both say the oil and gas industry will be unduly harmed... West Virginia Department of Environmental Protection hasn’t issued an official statement in reaction to the rule, but officials confirm West Virginia doesn’t have specific regulations for methane emissions. Spokeswoman Kelley Gillenwater notes that, “part of the proposal establishes draft control technology guidelines for additional control measures for sites located in non-attainment areas. Also, in [West Virginia] state code 22-6 and 22-6a, there are provisions that prevent the waste of gas -- which we interpret to mean that the Office of Oil and Gas can require operators to fix leaking wells.”.

## **Drinking Water Levels of Perfluorooctanoic Acid Unsafe, Group Says**

**BNA DAILY ENVIRONMENT REPORT** Concentrations of perfluorooctanoic acid (PFOA) found in water systems serving 6.5 million Americans are harmful even though they are below a federal advisory level, according to a report the Environmental Working Group will release Aug. 20. The group is publishing its report less than a month before DuPont faces a

personal injury trial in the U.S. District Court Southern District of Ohio (In re E. I. DuPont De Nemours & Co., S.D. Ohio, No. 2:13-md-2433, 1/11/13). The trial involves one of 3,500 lawsuits filed by people who claim to have developed various diseases as a result of drinking water that was contaminated by PFOA. “PFOA contamination of drinking water is a much more serious treat to health than previously thought,” Bill Walker, investigations editor and co-author of the report, “Teflon Chemical Unsafe at Smallest Doses,” told Bloomberg BNA Aug. 19. The Chemours Co., a recent spin off from DuPont, does not agree the study EWG used to reach its conclusions reviewed the most current available data, Janet Smith, the companies' spokeswoman told Bloomberg BNA. “We do not believe it includes data that supports an allegation that the interim health advisory level set by EPA in 2009 is far below what would be a safe dose,” she said... The problem, the EWG report said, is “that EPA's health advisory level is hundreds or thousands of times too weak to fully protect human health.” Walker said the environmental group used standard EPA methods to calculate safe drinking water levels combined with an approximate no-effects level calculated by two researchers in their multi-study analysis published in June 2015 in New Solutions, a scientific journal. “Existing drinking water limits are based on less complete evidence that was available before 2008 and may be more than 100-fold too high,” Richard Clapp, of the University of Massachusetts-Lowell, and Phillippe Grandjean, of the Harvard School of Public Health, wrote in New Solutions.

## Stagnant air brings an odor of rotten eggs to Pittsburgh suburbs

**PITTSBURGH POST-GAZETTE** If you live in Pittsburgh's East End or the city's eastern suburbs, you might have awakened to an especially unpleasant stench this month. The Allegheny County Health Department's air quality monitor near U.S. Steel's Clairton Coke Works has shown increased levels of hydrogen sulfide during nighttime hours in August. That colorless — but hardly odorless — gas emitted from raw coke is “not in the unhealthy range” but is enough that people likely have noticed its unmistakable rotten-egg smell, said Jim Thompson, the health department's deputy director of environmental health. “It's not that the plants are emitting more,” he said, noting that the Clairton plant and the Edgar Thomson Steel Works have reported normal activity. “It's because the weather conditions are not favorable for dispersing the pollution.” The smell occurs regularly, but it seems to be especially potent this month. The health department has received 10 complaints since Aug. 1, which Mr. Thompson said is higher than normal. To blame are recent, strong temperature inversions, which occur when warm air hovers above cool air. The weather condition acts like a lid on a pot, trapping pollutants. This month's dry spell and weak winds haven't helped them scatter. “Inversion is a natural weather phenomenon,” said Rachel Filippini, executive director of the Garfield-based Group Against Smog and Pollution. “Obviously there wouldn't be a problem if there wasn't pollution in the air.” Chris Harper, an electrical engineer from Edgewood, said he noticed the odor was particularly strong last week. “There had been times prior to being aware of this that we would go to bed with the windows up, and we would be greeted with the odor of Clairton” in the morning, he said. Lee Hendricks, meteorologist with the National Weather Service in Moon, said the inversion breaks when the lower atmosphere warms up.

## Super' Advice From Philadelphia's Water Commissioner

**WATER ONLINE** This Q&A is longer than my usual for Water Online, but the exception is warranted. It's not often that you have the opportunity to talk to a 'superhero' of sustainability. That's how Howard Neukrug, commissioner of the [Philadelphia Water Department](#) (PWD), is viewed in these parts (I'm from Philly), as evidenced by this local magazine cover... Nationally, Neukrug's work is lauded and emulated. Philadelphia's [Green City, Clean Waters](#) program is a model of stormwater management, and also a template for urban beautification and revitalization. In addition to receiving numerous accolades for water management and pollution prevention — Green City, Clean Waters was started in 2011 to reduce Philadelphia's combined sewer overflows (CSOs) — Neukrug was recently granted the [2015 Arbor Day Award](#) for PWD's greening of Philadelphia. When you sit and talk to such a figure in the water industry, you leave no stone unturned. What follows, then, is a wide-ranging interview on the Philadelphia story and its implications, the nationwide state of sustainability, common municipal struggles to be overcome, and the future outlook for the water/wastewater industry. I pared down our conversation to 10 key topics, and let Howard elaborate from his unique perspective as a water leader ... and superhero.

**Can any size utility pull off an ambitious program such as Green City, Clean Waters, and what's the starting point?** Any size city can do it, but not any city can do it. Collaboration is incredibly important, and sometimes incredibly hard, because every agency, every organization — whether government or nonprofit or private — has their own set of missions and schedules and budgets. It gets hard to bring all these things together and work across those missions and budgets and find ways to leverage and cooperate. But for every city, it could be a great way to both clean up your water body cost effectively, and also sustain your cities...

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## PENNSYLVANIA

### PHILADELPHIA INQUIRER

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HLRA, is ready to come to the table" to negotiate a sale of the base, McGee said. Many other hurdles have been surmounted. The Navy this spring completed its Environmental Impact Statement and other paperwork needed to sell the land. The authority has contracted with a California-based firm to serve as master developer, and McGee said the board is expected to vote on the final land-transfer proposal this fall. After that, the sides can begin to discuss a purchase price, he said. Of the 22 military facilities closed in the 2005 round of realignments and closures, Willow Grove may be the last transferred off the federal books. In a 2013 report, the authority estimated that the redevelopment would generate \$928 million in construction costs, 10,000 jobs, and \$15.6 million a year in new tax revenues for Horsham Township.

Environmental group gives New Jersey lawmakers failing grade TRENTON, N.J. (AP) - New Jersey's Legislature gets a failing grade when it comes to protecting the state's natural resources, an environmental group said Wednesday in a report. Clean Water Action's report tallies how lawmakers voted on more than a dozen bills considered to be significant environmentally in 2014 and 2015 and found that the Democrat-led Legislature scored an average of 47 percent. That's down slightly from an average score of 48 percent from the last report that looked at 2010-2013. The bills used to calculate the score included a measure allowing development permits to be extended and legislation that changed a requirement that municipalities get voter approval before privatizing public water systems. A closer look at the issue: Overall, Democrats scored 54 percent and Republicans received a grade of 35 percent. The average was calculated in proportion to party control of the Legislature. Clean Water Action campaign director David Pringle said the report's conclusions are disappointing but added that lawmakers can change course by encouraging investment in renewable resources and energy efficiency. The report highlighted what it called "heroes" - lawmakers with high scores - and "zeroes" - legislators with low grades. State Sen. Linda Greenstein, who received a high score, said she put environmental issues "foremost" on her agenda. "You can't see environmental issues as being secondary," she said

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Winners and losers in Antero's \$275M announcement The news that Antero Resources will build a massive \$275 million wastewater treatment plant to process shale brine in West Virginia wasn’t a surprise for Brian Kalt, general manager with Fairmont Brine Processing. The surprise was learning that Antero would be building the plant with Veolia Water Technologies, a branch of the French technology giant. The Denver-based oil and gas company announced Wednesday that over the next two years Veolia will design, build and operate the Sandstrom Wastewater Treatment facility, a 60,000-barrel-a-day plant that will evaporate and crystalize produced water — yielding fresh water and salt products to be used by the oil and gas industry. Clearing of the site, a patch of land near Route 50 in Doddridge County, has begun, and Antero has filed two permits with the state, one for construction and another for air emissions, over the past two months. That’s how Mr. Kalt confirmed what he’d been hearing — that his small company’s major break was at risk. Fairmont, a sister company of Pittsburgh-based Venture Engineering, has a small evaporation and crystallization plant in Fairmont, W.Va., where Antero is its anchor client. The facility is a tenth of the size of what Veolia will be building. Mr. Kalt said his company has spent the past year and \$2 million on engineering work for the large plant, which would have been tailored to Antero’s needs but also would have room for other producers’ water. Fairmont kept Antero apprised of its progress and forwarded all drawings and descriptions of its treatment process, he said. “Had we known that this was a possibility, we would not have allowed them so much access to our patented process despite the non-disclosure agreement and confidentiality agreement set forth in our contract,” he said.

Nutter brings his humor across state for fundraiser Yes, he did drop that microphone. And before it hit the stage at the Improv in Homestead, the crowd was roaring in cross-state appreciation for the mayor of Philadelphia, Michael Nutter, and his rendition of the Sugarhill Gang’s “Rapper’s Delight.” Mr. Nutter was the headliner at the annual Candidates’ Comedy Night, helping to raise money for the Allegheny County Music Festival Fund, which supports supplementary programs for children served by the county’s Department of Human Services. There was another Philadelphian onstage, Common Pleas Judge Kevin Dougherty, a Democratic candidate for the state Supreme Court. He took the Irishman’s prerogative of stealing a joke from John F. Kennedy. He told the crowd that on his way out here, he got a message from his brother, “Johnny Doc” Dougherty, a Philadelphia labor leader and power broker, who advised him not to spend a dollar more than he had to. “I refuse to buy a landslide for you,” he said his brother insisted. Mr. Nutter got the strongest reception, but he had competition.

## **STATE IMPACT PENNSYLVANIA**

State says gas industry still ignoring minority, female hiring law A state agency says the oil and gas industry is failing a requirement to report on hiring of women- and minority-owned businesses. The Department of General Services is calling on the legislature to make it harder for the industry to avoid its reporting requirements. It says 70 percent of businesses it contacted did

not return its survey on their use of “Small Diverse Businesses”. Producers are required to fill out the survey under a provision of Act 13, the state’s oil and gas bill, meant to encourage the industry to patronize businesses owned by minorities, women and veterans. “To see such a low rate of response to the survey is disappointing, considering our commitment to ensure that opportunities are being afforded to small diverse businesses in Pennsylvania,” DGS secretary Curt Topper said in a statement. It was the third year in a row of dismal reporting from the industry on the survey. As StateImpact Pennsylvania reported, each of the past surveys have showed low response rates: 27 percent in 2013 and 40 percent in 2014. “Small Diverse Businesses”, according to the state, are businesses that are “minority, woman, veteran, and service-disabled-veteran-owned”. In addition to filling out the survey, Act 13 required drillers to have policies in place prohibiting discrimination based on gender, race, creed or color, and use a special database the state keeps of small diverse businesses as potential contractors and suppliers. Of the 78 surveys the state sent out, 54 were not returned, according to a report released by the agency. Of the 21 respondents who were still operating in Pennsylvania, only 13 reported using the state’s database of small diverse businesses. Eight operators said they didn’t hire any small diverse businesses. Several reported they had already chosen their contractors or faced geographical limitations in using these businesses, according to the report.

## **WATER ONLINE**

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## **LANCASTER NEWSPAPERS**

Hunters here asked to take precautions against spreading avian flu Lancaster County and

Pennsylvania hunters are being asked to do their part to keep the deadly avian flu from taking hold in the state this fall. Poultry farmers from around the state are holding their collective breaths as possibly infected wild ducks and geese have begun their migration into Pennsylvania as part of the aerial highway known as the Atlantic Flyway. Now, the Pennsylvania Game Commission has issued advisory procedures for waterfowl hunters to keep them from inadvertently bringing the disease home from the field. Duck season in Lancaster County begins Oct. 27 and the regular Canada goose season starts Nov. 14 in Lancaster County. Hunters are being asked by the Game Commission to dress all waterfowl in the field, rather than bringing it home. If birds are dressed at home, hunters should dress them in an area where they would not come in contact with pets or other birds. Wear rubber gloves. While dressing wild game birds, hunters should wear rubber footwear and clean and disinfect shoes before entering or leaving the area. Double-bag internal organs and feathers, tie the inner bag and dispose of rubber gloves before placing the bag in a trash can. Use a trash can that children, pets or other animals can't get into. Immediately wash hands with soap and water, or alcohol wipes, when done cleaning game. Wash all tools and work surfaces with soap and water, then disinfect them. Although avian influenza has not been found to affect humans, the Game Commission advises to keep uncooked waterfowl stored in containers and away from cooked or ready-to-eat foods. Finally, cook game meat thoroughly. Poultry should reach an internal temperature of 165 degrees to kill disease organisms and parasites. In another development related to the avian influenza scare, the Pennsylvania Public Utility Commission has urged utilities and their drivers to heighten biosecurity practices around poultry farms. "While highly pathogenic avian influenza virus does not pose a threat to human health, it can have a devastating impact on the poultry industry, and it is vital for everyone moving around farms to take steps to help prevent the spread of this disease," said Gladys Brown, chair of the state Public Utility Commission.

Mosquito pools in Hempfields, Mountville to be sprayed Thursday Spraying to reduce high populations of mosquitoes will take place Thursday in parts of West and East Hempfield townships, as well as in Mountville Borough. The state Department of Environmental Protection said the treatments are to guard against West Nile virus. The spraying will be administered via truck-mounted equipment, spraying residential mosquito habitats. The equipment dispenses Biomist 3+15 applied at a rate of 1.5 ounces per acre. These products are designed to provide quick, effective control of adult mosquito populations. The application materials have a very low toxicity profile to mammals and are safe for the environment, DEP said. Certain mosquito species carry the West Nile virus, which can cause humans to contract West Nile encephalitis, an infection that can result in an inflammation of the brain. Weather conditions and other unexpected events could delay or cancel this spray operation. If conditions do not allow application, Friday will be the back-up spray date. Three people have been diagnosed with contracting West Nile virus after being bitten by mosquitoes so far this year in Pennsylvania. The cases have occurred in Cumberland, Erie and Venango County. All three people survived. For more information about West Nile virus and the state's surveillance and control program, please visit [www.westnile.state.pa.us](http://www.westnile.state.pa.us).

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## WASHINGTON, D.C.

## **WASHINGTON POST**

Ten years after Katrina's devastation, Obama will visit a much safer New Orleans Ten years ago next week, a terrifying hurricane stood perched atop the Gulf of Mexico. Katrina. It had rapidly intensified from a Category 3 into a deadly Category 5 monster and began its northward turn towards the Gulf coast—weakening, fortunately, but still driving a tremendous wall of water. Many in New Orleans thought they were protected by levees and seawalls. Instead, there were several breaches, and water streamed in to fill New Orleans' geographical "bowl." And we all watched, on TV, what happened after that—including 1,833 total deaths in the storm across its path of destruction, and an estimated \$ 108 billion in total damage. There has been growing attention to Katrina's ten year anniversary, and now, the White House has announced, President Obama himself will travel to New Orleans, on Aug. 27, to meet with mayor Mitch Landrieu and city residents, using the occasion to highlight the impressive rebound that the city has seen. Additionally, several top members of the administration, including FEMA administrator Craig Fugate and OMB director Shaun Donovan, will either accompany the president or pay their own Louisiana and Gulf Coast visits. A key theme will be the achievements of recovery—with federal aid since the start of Obama's presidency. FEMA has spent \$ 5.2 billion aiding Louisiana and other Gulf coast states since 2009 to spend on public works projects, and another \$ 1.4 billion to Louisiana and Mississippi for projects to heighten resiliency to future disasters.

Cox reelected as president of largest federal unionJ. David Cox Sr. easily won reelection as president of the American Federation of Government Employees with 63 percent of the vote at the union's convention in Orlando Wednesday. "I am honored and humbled by the faith AFGE members have placed in me to continue the work I began three years ago, leading the nation's largest union for federal and D.C. government employees," Cox said. "Our membership has grown year over year for the past 24 years, and we are going to keep growing so we are big enough and strong enough to build the future that our dedicated members deserve." Also reelected were National Secretary-Treasurer Eugene Hudson Jr. and National Vice President for Women and Fair Practices Augusta Y. Thomas.

Manipulation of feds' personal data is a major danger in OPM cyber heist The Office of Personnel Management (OPM) data breach shows us how espionage is done in the digital world. It's not only about the theft of information, it's also about the potential manipulation of personal data. Records can be changed to make a federal employee appear less trustworthy or possibly destroyed to make a person disappear, at least in the computer files. Meanwhile, about 22 million federal workers, contractors, job applicants and their families, whose information was stolen, are still waiting for some relief, if only in the form of the services the government promised after the two breaches were announced in June. Almost all of the victims had their security clearance background investigation information stolen. They haven't been officially notified yet, nor have they been told how they will get the services, including identity restoration support, identity theft insurance, credit monitoring and fraud monitoring. Even the promised call center is still a promise. News on that front is expected next week when the Obama administration plans to announce the outside contractor that will provide the services. "If you are affected, you will not be able to receive personalized information until notifications begin and the call center is opened," according to OPM. Federal employees will just have to hope the thieves, allegedly Chinese government operatives, don't open bogus accounts at Wal-Mart. They probably have far more serious use for the data than that. In addition to stealing OPM's records, the cyber thieves

could have destroyed or corrupted data, making it suspect and useless.

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## DELAWARE

### **WILMINGTON NEWS JOURNAL**

A 2011 video on three DuPont accidents in Belle, WV

Bike trail project to close Del. 10 lanes for 3 months “Around the clock” lane closures will occur on the Del. 10 bridge over the St. Jones River near the Dover Air Force Base, starting Monday, as construction crews build a bike trail over the span. The right-hand lanes in both directions of the bridge will close from Aug. 24 until December, according to the Delaware Department of Transportation. DelDOT contractor GrassBusters will install a concrete barrier on the eastbound section of the bridge so bicyclists and pedestrians will have a protected path away from vehicles. “We’re taking the lane on the westbound side for [temporary] pedestrian access” during construction, said Craig Blowers, an engineer for DelDOT. “It’s surprisingly heavily used by pedestrians.”

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## WEST VIRGINIA

### **CHARLESTON GAZETTE-MAIL**

Southern plea deal returns millions to former Freedom executive Former Freedom Industries President Gary Southern on Wednesday pleaded guilty to three water pollution crimes in a deal that will send him to jail, but set the stage for him to get back \$7.3 million and a Bentley luxury car that were seized when he was charged for his role in the January 2014 Elk River chemical spill. In a hearing before U.S. District Judge Thomas Johnston, Southern pleaded guilty to negligent discharge of a pollutant, unlawful discharge of refuse into a stream, and negligent violation of a water pollution permit. “Guilty, your honor,” Southern said three times when asked by Johnston for his plea to each of the misdemeanor counts. Asked if he committed the crimes he was pleading guilty to, Southern added, “Yes, your honor.” Southern, 53, faces a minimum of 30 days and a maximum of three years in prison and a fine of up to \$300,000. Johnston scheduled a sentencing hearing for 2 p.m. on Dec. 16. Under a plea deal with Southern, prosecutors agreed to drop 12 felony counts related to bankruptcy fraud allegations that Southern had tried to hide his personal wealth from Freedom’s bankruptcy case and civil lawsuits filed over the spill. Southern is the last of six former Freedom officials to enter a formal guilty plea related to the Jan. 9, 2014, spill in which crude MCHM and other chemicals from a leaky storage tank at Freedom’s Etowah River Terminal contaminated the drinking water supply for hundreds of thousands of residents in Charleston and surrounding communities. U.S. Attorney Booth Goodwin touted the guilty pleas — which force four of the Freedom officials to face mandatory jail time — as a “wake-up call” to other corporate executives that, “If you place our water at risk, you face prison time.” “You can’t live without water,” Goodwin said during a press conference, held at the federal courthouse just after Southern’s plea hearing. “We have to make it crystal clear that this kind of behavior

will not be tolerated." But by dropping the bankruptcy fraud counts, the government also agreed to return to Southern his Bentley and more than \$7.3 million from six different bank accounts, and to lift a lien that was placed on Southern's home on Marco Island, Florida. Federal agents seized the property, but the seizures were legally allowed only under the bankruptcy fraud counts.

### **WEST VIRGINIA PUBLIC BROADCASTING**

EPA Proposes Methane Rule for Oil and Gas Industry The federal Environmental Protection Agency proposed a new rule this week that would regulate methane gas pollution in the oil and gas industry. Methane is a potent greenhouse gas and the Obama administration wants to see emissions cut in half over the next decade. The EPA reports methane gas is the "second most prevalent greenhouse gas emitted in the United States by human activities." While its lifespan in the atmosphere is shorter than other gases, the EPA says, "pound for pound, the comparative impact of methane on climate change is 25 times greater than carbon dioxide in a 100 year span." "Today, through our cost-effective proposed standards, we are underscoring our commitment to reducing the pollution fueling climate change and protecting public health while supporting responsible energy development, transparency and accountability," said EPA Administrator Gina McCarthy. Environmental lawyer Harry Weiss explains that the proposed rule builds on regulations issued in 2012. "This rule is meant to extend that regulation to the transmission of natural gas from the well to the interstate pipelines and to market," Weiss said. The new rule would only apply to new or modified natural gas wells. Officials estimate it would cost industry between three and five-hundred million dollars, with reduced health care costs and other benefits totaling around 500-million dollars. As for the legality of the proposed rule? "The Obama Administration is under order of the supreme court to regulate greenhouse gas emissions," Weiss said. "That was case known as Massachusetts v. EPA." Weiss says litigation is likely after the rule is finalized later next year. He says some states may already have methane emission regulations in place. West Virginia is not among those states, according to the state's Department of Environmental Protection. West Virginia's senators in Washington, Joe Manchin and Shelley Moore-Capito, have both released statements saying they strongly disapprove of the rule. Both say the oil and gas industry will be unduly harmed... West Virginia Department of Environmental Protection hasn't issued an official statement in reaction to the rule, but officials confirm West Virginia doesn't have specific regulations for methane emissions. Spokeswoman Kelley Gillenwater notes that, "part of the proposal establishes draft control technology guidelines for additional control measures for sites located in non-attainment areas. Also, in [West Virginia] state code 22-6 and 22-6a, there are provisions that prevent the waste of gas -- which we interpret to mean that the Office of Oil and Gas can require operators to fix leaking wells.".

### **WHEELING INTELLIGENCER**

EPA Moves to Cut Methane Gas Industry's Emissions WHEELING -Marcellus and Utica shale drillers may have thought they were in the clear when the Environmental Protection Agency found fracking did not create "widespread" water problems, but the government will now force the industry to cut 45 percent of its methane emissions. At the same time officials representing the coal industry blasted the Obama administration's Clean Power Plan - aimed at curbing carbon dioxide pollution by 32 percent - during a conference at Oglebay Park on Tuesday, EPA officials rolled out their plan to mitigate methane emissions from the oil and natural gas industry.

"Cleaner-burning energy sources like natural gas are key compliance options for our Clean Power Plan and we are committed to ensuring safe and responsible production that supports a robust clean energy economy," EPA Administrator Gina McCarthy said. Methane, the primary component in the product commonly known as natural gas, is 25 times more potent in trapping heat in the atmosphere than CO<sub>2</sub>, federal officials believe. So, McCarthy's agency has multiple plans for preventing methane from escaping into the atmosphere, namely compelling drillers to find and repair leaks; capture natural gas from fracked wells; and limit emissions from compressor stations and processing plants. In December, an unknown amount of methane leaked into the atmosphere over a 10-day period when the wellhead blew off at a Triad Hunter operation in Monroe County. Moreover, processing plants, compressor stations and well sites throughout the Upper Ohio Valley often feature flare systems that can release methane into the air. The product is more harmful to the environment if it is released without burning, such as in a leak.

### **ASSOCIATED PRESS (W. Va.)**

Last official charged in W. Va. chemical spill pleads guilty CHARLESTON, W. Va. — The executive who appeared unsympathetic when he spoke to the public after a chemical spill sullied tap water for 300,000 people pleaded guilty today to pollution charges and could face up to three years in prison. Freedom Industries president Gary Southern, who told reporters a day after the January 2014 spill that he had had a "long day" and tried to leave a news conference multiple times, is the last of six company officials to plead guilty in the spill. The spill happened when a corroded Freedom tank in Charleston leaked coal-cleaning chemicals into the water supply for nine counties, spurring a ban on tap water for up to 10 days. Southern pleaded guilty to three pollution charges and faces a minimum of 30 days in prison and a maximum of three years in a plea deal. He also faces a fine of up to \$300,000 and perhaps restitution. He will be sentenced Dec. 16. Prosecutors dropped 12 other counts related to bankruptcy fraud. Freedom's public image suffered after Southern spoke at a Jan. 10, 2014, news conference. "Look guys. It has been an extremely long day," Southern said, occasionally drinking from a bottle of water. "I have trouble talking at the moment. I would appreciate if we could wrap this thing up." Prosecutors portrayed Southern as a wealthy businessman who cared little about safety. In court documents, they considered the United Kingdom citizen a flight risk because he had a pilot's license and a plane. Prosecutors said a tracking device wouldn't work on him because his Marco Island, Florida, house was too big. The government seized \$7.3 million and a Bentley from Southern and put a lien on his Florida house. Under the plea deal, he would get those assets back. Prosecutors said it would be up to immigration officials to decide whether to deport him. The plea deal said some assets could go toward claims in Freedom's bankruptcy case, a class-action lawsuit or court-ordered restitution. U.S. Attorney Booth Goodwin said his office will not ask Judge Thomas Johnston for restitution because the applicable environmental laws are not well designed for that.

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## **MARYLAND**

### **BALTIMORE SUN**

Editorial: Defend the city's trees For years Baltimore has struggled to expand and maintain its leafy green canopy of trees that cool the city in summer and clean its air and water of harmful

pollutants. Trees make the city a more attractive place to live and work and their presence constitutes a vital part of the urban infrastructure....

Md. geologists to boost seismic monitoring ahead of 'fracking' Given that seismic activity is rare in the ancient rock of the Appalachians — and damaging earthquakes even rarer — there is only a single apparatus measuring underground rumblings within Maryland borders. But geologists are about to put another ear to the ground. The Maryland Geological Survey, anticipating the possibility that hydraulic fracturing, or "fracking," for natural gas in the Marcellus shale deposits could increase seismic activity, plans to install a seismometer in Western Maryland. Geologists want to gather more data on natural seismic activity before a state moratorium on hydraulic fracturing ends in 2017 and what are known as "induced" earthquakes might begin. Fracking itself has not been linked to the swarms of earthquakes that have erupted in states such as Oklahoma. Geologists blame a process that disposes of briny water and other oil and gas extraction byproducts in deep wells. Maryland's geology is not considered suitable for those wells, though there are many of them in West Virginia and Pennsylvania. But the risk and uncertainty here are great enough that scientists want to know more. Geologists know relatively little about faults beneath the region, which have produced recent earthquakes such as one that rattled Anne Arundel County this month and another that damaged historic buildings across the Mid-Atlantic in 2011. Another sensor should help reveal more about formations hundreds of millions of years old beneath the eastern United States. "It's like a grocery store. You'd like to have a grocery store nearby so that everyone has a grocery store," said David Vanko, dean of Towson University's Fisher College of Science and Mathematics and chairman of the state's Marcellus Shale Safe Drilling Initiative Advisory Commission. "It would provide a data point that would be very useful to seismologists." State geologists' lone permanent seismometer is buried in the Soldiers Delight Natural Historic Area in Owings Mills. A canister about 1 1/2 feet high and 8 inches thick, the seismometer sits on a concrete pad in direct contact with bedrock and uses a suspended weight to detect vibrations.

### **SALISBURY DAILY TIMES**

Onancock author channels life on water with children's book Besides being an attorney and an author, Burger also is a wife and the mother of a toddler who uncannily resembles Craig's paintings of the book's protagonist. An Eastern Shore of Virginia native who grew up fishing and crabbing on Onancock Creek has authored a children's book celebrating life on the water and the creatures that live in the Chesapeake Bay. Anna Burger wrote "Pea Soup and the Seafood Feast" during the winter of 2012 and asked another Shore native, her childhood friend Laura Gordon Craig, to illustrate it. belle Isle Books of Richmond published the book earlier this month. "First-time author Anna Burger incorporates the lessons she learned from her own experiences and shows true appreciation for the knowledge instilled by life on the water," a release from the publisher said, adding, "Accompanied by Laura Craig's vivid watercolor illustrations, 'Pea Soup and the Seafood Feast' demonstrates how an exploration and appreciation of one's natural surroundings can be celebrated and shared from one generation to the next." The book is about a little boy who dons his life jacket, grabs his fishing gear and sets off alone in his boat to harvest seafood for a feast after hearing his mother say she is cooking pea soup — not his favorite food — for dinner. The story, which has a surprise ending, describes Jack's encounters along the way with blue crabs, clams, a flounder and a spot. Burger will sign copies of the book at Sundial Books on Chincoteague on from 11 a.m. to 1 p.m. Saturday, Aug. 22, and at the Book Bin from

11 a.m. to 1 p.m. on Saturday, Sept. 26. Craig also will be at the September book signing.

### **CHESAPEAKE BAY JOURNAL**

Casey Tree Farm working to grow DC's canopy, one tree at a time Sorting through a pile of scraggly tree roots in early June, Brian Mayell conducted a quick autopsy. "On none of these, to me, does it look like the root system was the culprit," he said. That's good news for the general manager of Casey Tree Farm, who, among other duties, is charged with growing better trees for the nonprofit charged with restoring, enhancing and protecting the tree canopy of the nation's capital, a goal it has been working toward for nearly 15 years. "I want to make sure I send out a good root system, so the tree has a good chance of survival," he said. The longer the tree lives, the greater impact it has on the District of Columbia's urban tree canopy, which Casey Trees aims to grow to cover 40 percent of the city by 2032. The nonprofit plants many of the trees in DC's neighborhoods, schoolyards, church lawns and open spaces, while the District government concentrates on street trees. The pioneering nonprofit is establishing best practices for planting long-lived trees that are fit for the rigors of city living — and healthy enough to do their part to filter, slow and clean rainwater that's headed to the Chesapeake Bay. "There's been a heightened awareness in our urban areas (that) what we do at home is going to eventually impact the water," said Mark Buscaino, executive director of Casey Trees, adding, "Trees play a big part in ameliorating the impacts." So, when the Casey family, who started the nonprofit, also donated a 730-acre farm in Virginia's Clarke County to the cause, the nonprofit began growing something "a bit atypical for such a rural site": city trees. Since taking over the farm in 2008, Casey Trees has transformed the property into part nursery and part experiment station, a place where the many variables that affect an urban tree's survival can be figured out. "A lot of times, in the toughest urban environments, there may be 10 species (of trees) that will work," Mayell said during a tour of the farm that hugs three miles of the Shenandoah River's shoreline near Berryville, VA. Choosing hardy species and ensuring their roots get a healthy start makes the trees more resilient against the added heat and pollution of the city. The Casey family purchased the property, known locally as Springsbury Farm, in 1958, leaving much of its landscape in forest and leasing portions to farmers who graze animals or grow crops like corn, soybeans or hay.

An overlooked paddler's paradise It's just you and the view on Monie Bay. If you want to paddle where few have paddled on Maryland's Eastern Shore, Monie Bay with its three marked water trails — and potential for freelance exploring — is worth a day trip. The paddler sign-in log where we put in near Deal Island, about 20 miles south and west of Salisbury, had one other name, from more than a year before us. The road to Monie slides west out of Princess Anne off the spine of Delmarva, U.S. Route 13, through fields of grain, mixed pine-oak forests and past chicken houses, toward the Chesapeake along a broad "neck" of land that lies between the Wicomico and Manokin rivers. At its end lie the villages of Deal Island's watermen. For all the press given its islands — Smith, Tangier, Tilghman — the Bay's real nature is peninsular, ranging from Delmarva itself to the hundreds of greater and lesser necks created by the extension of tidewater deep into the landscape along the length of the estuary. The last few miles to the Monie Bay launch ramp are a veritable wildlife drive. We saw an eagle's nest, dozens of snowy and great egrets feeding in the salt marsh, marsh sparrows, red-winged blackbirds and a variety of herons. Many of the loblolly pines that edge the horizon-spanning marshes are dying, victims of saltwater pushed up by sea level rise. Monie Bay escapes mention in Hulbert Footner's 1944

classic, "Rivers of the Eastern Shore." By the time Footner reached the lower Wicomico where it lies, his boat and eyes had already turned north toward Hoopers Straits and the Nanticoke.

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## VIRGINIA

### ***RICHMOND TIMES-DISPATCH***

Ozone violation in Richmond was first bad-air day of year Ozone, the main pollutant in smog, hit unhealthy levels in the Richmond area Monday for the first time this year, state officials said Wednesday. The violation occurred about 8 p.m. at just one of the area's four ozone monitoring sites, in eastern Henrico County. The reading was as low as it could be and still be above the health standard, said Dan Salkovitz, a meteorologist with the state Department of Environmental Quality. A violation occurs when ozone hits 76 parts per billion in air, averaged over eight hours. The Monday average hit 76. A double check showed the standard had indeed been topped, Salkovitz said. Still, "it's been a very clean year overall" in the region, he said. High-ozone days in the double digits were once common locally, but anti-pollution measures and good weather have helped keep levels low in recent years, officials say. Eleven violations occurred in 2012, then just one in 2013 and one again in 2014. The region's only violation-free season on record occurred in 2009.

### ***NEWPORT NEWS DAILY PRESS***

Environmental group: Virginia Carbon goals within reach The Obama administration's unprecedented Clean Power Plan directs states to reduce carbon emissions from existing power plants by 32 percent from 2005 levels by the year 2030 in order to curb greenhouse gases fueling climate change. The good news for Virginia? The state is already well-positioned to not only meet its mandated reductions, but exceed them, according to the Natural Resources Defense Council (NRDC), an international environmental advocacy group based in D.C. "There's been a lot of misinformation that somehow reducing carbon emissions in Virginia is this really gargantuan heavy lift that will be very costly," NRDC staff attorney Walton Shepherd said in a phone interview Tuesday. "And that basically ignores the business-as-usual cleanup of Virginia's energy mix that has been underway for some time — primarily the retirement of old coal plants. There's just been a whole wave of retirements over basically the last three years, and will continue into the next year, of the highest-carbon-emitting power plants in Virginia. So that will get Virginia a huge step forward as far as reducing carbon emissions and meeting the requirements of the Clean Power Plan." In fact, he said, ongoing efforts to retire plants and upgrade others to lower-carbon fuels, combined with the state's goals to increase energy efficiency and renewables, will position the state to exceed federal targets. "Literally, you wouldn't have to do any other steps other than business-as-usual changes," Shepherd said. The power plan sets the first-ever federal standards for carbon pollution from fossil-fueled power plants. Each state can devise its own blueprint to achieve those standards, whether through energy efficiency, renewables, natural gas and nuclear and carbon capture and storage. Low-lying Hampton Roads is especially vulnerable to the rising seas and more intense storms associated with climate change. Gov. Terry McAuliffe says he'll work with stakeholders to craft a state plan, which is due by September 2016.

EPA grant will help raise asthma awareness in Southeast Community People have talked about the coal dust all his life. But there's more to the health issues of residents in the Southeast Community in Newport News, believes Linwood DeBrew, 72. A \$30,000 grant from the U.S. Environmental Protection Agency will help the group implement its plan to raise awareness and establish a scientific footing for its concerns about the neighborhood's disproportionate asthma rates. "We want to know specifics. If there's a cause, then there's a cure. We'll be better armed to deal with the triggers," said DeBrew. The group has set up a weeklong camp for children with asthma that will include an education component. By the end of the week participants will know how to find air quality indexes on local media sites and at airnow.gov, recognize asthma triggers, such as dust mites and diesel fumes, and explain to others about contributing factors, DeBrew said. A dozen children will attend free; others will pay a small contribution to cover costs. On Sept. 12, the group will host a play-in at the Hampton Roads Boys & Girls Clubs in conjunction with Southeast Community Day to demonstrate that those with asthma can participate safely in physical activities, said DeBrew. He described it as a mini-health fair and he's hoping that an EPA representative will attend. There also will be an Asthma Walk. A cancer survivor, DeBrew took the idea from the Relay for Life events that he's participated in. Even if they can't walk the whole way — from Booker T. Washington School to Zion Baptist Church — forms attesting to their support will increase awareness, he said. Volunteer Angela Harris has already distributed hundreds of flyers. A self-described "foot soldier" in improving the quality of life for area residents, Harris is not only involved in the Southeast Asthma Network, spawned by the new EPA grant, but is also working on filling the gap in fresh produce for neighborhood residents by tending a nursery, distributing plants and raised beds to the community, and connecting students with local grocer Joe Brothers at Old Town Market to teach them business basics.

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## MISCELLANEOUS

### **NATIONAL GEOGRAPHIC**

Sustainable Food Production Would End Lake Erie Dead Zones Summer fun should include diving into refreshing, clear oceans and lakes. But for communities around the western side of Lake Erie, the fourth largest lake of the five Great Lakes in North America, this tradition is likely to yet again be disrupted by a severe algae bloom. Blooms occur when there is an explosion of populations of algae in a water system. Such blooms harm water quality and create "dead zones" (areas of low-oxygen due to excess algal growth) that cannot support aquatic life. Just one year ago, a toxic algae bloom in Lake Erie contaminated the drinking water source for close to 500,000 residents of Toledo, Ohio. This cycle of algae blooms continues, in large part, because of our need to eat. Our incredibly diverse and plentiful food system pushes farmers across the nation to be as productive as possible. To achieve high yields, farmers rely heavily on fertilizers, the engine of modern agriculture. This is great for all of us roaming the aisles at the grocery store, but there are downsides as well. Nutrients from fertilizer that aren't absorbed by crops can run off into local waterways, leading to water pollution and possible algae blooms. They can also release nitrous oxide, a greenhouse gas 300 times more potent than carbon dioxide. This year's record rainfalls in the Midwest make the challenge of managing fertilizer even more difficult, washing away applied fertilizer before crops can even take it up. Experts are predicting that this year's algae bloom in Lake Erie could be among the worst ever recorded.

This is not just happening in Lake Erie. Algal blooms and dead zones are common in far too many lakes and coastal zones. We can prevent these blooms by helping farmers adopt practices that improve fertilizer efficiency, protect soils, and reduce losses to water and air. Just last week, the USDA announced additional investments to help Ohio, Michigan, and Indiana support the region's farmers in reducing runoff from their fields. This is important, but we need additional strategies to bring sustainable agriculture to scale, and to effectively tackle the algae problem.

## **BNA DAILY ENVIRONMENT REPORT**

Federal Appeals Court Halts Lawsuits Over Power Plant Startup Provisions The U.S. Court of Appeals for the District of Columbia Circuit halts a pair of lawsuits over power plant startup provisions included in the mercury and air toxics standards, pending a decision on whether those standards should remain in place. The court grants motions to govern further proceedings filed by the EPA, which asked the court to continue to hold the two lawsuits in abeyance until a decision is issued in the initial MATS litigation, because that decision may have an impact on the startup lawsuits.

Dozen Senators Seek SEC Review of Offshore Drilling Risk Disclosures Twelve senators opposed to offshore oil and gas drilling write the Securities and Exchange Commission asking the agency to review the risk disclosures of companies engaged in drilling on the Outer Continental Shelf. The senators, including 11 Democrats and Bernie Sanders (I-Vt.), were following the lead of three House Democrats who sent a similar letter to the SEC last month.

Drinking Water Levels of Perfluorooctanoic Acid Unsafe, Group Says Concentrations of perfluorooctanoic acid (PFOA) found in water systems serving 6.5 million Americans are harmful even though they are below a federal advisory level, according to a report the Environmental Working Group will release Aug. 20. The group is publishing its report less than a month before DuPont faces a personal injury trial in the U.S. District Court Southern District of Ohio (In re E. I. DuPont De Nemours & Co., S.D. Ohio, No. 2:13-md-2433, 1/11/13). The trial involves one of 3,500 lawsuits filed by people who claim to have developed various diseases as a result of drinking water that was contaminated by PFOA. "PFOA contamination of drinking water is a much more serious threat to health than previously thought," Bill Walker, investigations editor and co-author of the report, "Teflon Chemical Unsafe at Smallest Doses," told Bloomberg BNA Aug. 19. The Chemours Co., a recent spin off from DuPont, does not agree the study EWG used to reach its conclusions reviewed the most current available data, Janet Smith, the companies' spokeswoman told Bloomberg BNA. "We do not believe it includes data that supports an allegation that the interim health advisory level set by EPA in 2009 is far below what would be a safe dose," she said... The problem, the EWG report said, is "that EPA's health advisory level is hundreds or thousands of times too weak to fully protect human health." Walker said the environmental group used standard EPA methods to calculate safe drinking water levels combined with an approximate no-effects level calculated by two researchers in their multi-study analysis published in June 2015 in New Solutions, a scientific journal. "Existing drinking water limits are based on less complete evidence that was available before 2008 and may be more than 100-fold too high," Richard Clapp, of the University of Massachusetts-Lowell, and Phillippe Grandjean, of the Harvard School of Public Health, wrote in New Solutions.

Two More Executives Plead Guilty in West Virginia Elk River Spill The last of six Freedom Industries executives charged with triggering a 10-day drinking water crisis for 300,000 residents in West Virginia plead guilty in federal court to three pollution charges. Gary Southern, president of Freedom Industries in January 2014 when a chemical spill contaminated the Elk River, pleads guilty to violating the Clean Water Act, negligently discharging refuse matter in violation of the federal Refuse Act and failing to have a pollution prevention plan, as required by the company's National Pollutant Discharge Elimination System permit. And Dennis Farrell, a former Freedom Industries president and owner, pleads guilty to violating the Refuse Act and failing to have a pollution prevention plan.

15 States Denied in Bid to Consolidate Clean Power Plan Lawsuits A federal appeals court denies an emergency motion from 15 states seeking to consolidate their legal challenge to the EPA's Clean Power Plan with other pending appeals. But the 15 states led by West Virginia will still be able to pursue their lawsuit seeking a stay to block implementation of the carbon dioxide emissions standards for power plants. They want the D.C. Circuit to halt implementation of the Clean Power Plan even before the rule is published in the Federal Register because the rule imposes an immediate requirement on state regulators to begin work on a compliance plan.

EPA Says Washington, D.C., Seven Other Areas Should Get Ozone Extension The EPA is proposing to grant eight nonattainment areas, including the Washington, D.C., and Houston metropolitan areas, an additional year to meet the current national ambient air quality standards for ozone. The agency says the eight areas met the qualifications for such an extension based on 2014 air quality data. The EPA in a proposed rule also would determine that 17 marginal nonattainment areas have met the 2008 ozone standards of 75 parts per billion, while 11 areas have not attained the standards.

USGS Finds Low Levels of Neonicotinoids in Waterways Nationwide Low levels of neonicotinoid insecticides were found in almost two-thirds of streams tested by U.S. Geological Survey researchers, according to a new USGS study. The findings reflect how widespread the use of the class of insecticides—produced and sold by Bayer CropScience, Syngenta and other agrochemical companies—is in both agricultural and residential settings. According to the USGS, this is the first nationwide study looking at the prevalence of neonicotinoids in water.

With Carson's Tour, Colorado Mine Spill Seeps Into Presidential Race The spill of 3 million gallons of metals and sediment into Colorado's Animas River enters the presidential race conversation, as Republican contender Ben Carson tours the site and promises “a different kind” of EPA if he becomes president. The retired neurosurgeon tells a crowd in Durango, Colo., the EPA should be held responsible for causing the Aug. 5 release from the Gold King Mine near Silverton, Colo., and vows to radically revamp the agency if elected president.

## ***GREENWIRE***

WATER POLLUTION: Top chemical execs plead guilty in W. Va. spill Two former top officials

of the West Virginia company that operated a chemical storage site that fouled the water for hundreds of thousands of Charleston residents in 2014 pleaded guilty in federal court today, closing the last criminal cases linked to the incident. Former Freedom Industries President Gary Southern and Dennis Farrell entered guilty pleas at the U.S. District Court for the Southern District of West Virginia earlier today over their roles in the spill, prosecutors said. Southern, 53, was the public face of Freedom Industries as its leader at the time of the spill. Farrell, 58, was a former Freedom president and owner. Their actions, prosecutors alleged, led to a spill of a coal-cleaning chemical called 4-methylcyclohexane methanol, or MCHM, into the Elk River, causing more than 300,000 people to go without tap water for days in January 2014. Southern pleaded guilty to violating the Clean Water Act, negligently discharging refuse matter in violation of the Refuse Act and failing to have a pollution prevention plan. Farrell pleaded guilty to violating the Refuse Act and failing to complete a pollution prevention plan.

Interior to conduct review of EPA mine spill The Interior Department will investigate what caused a U.S. EPA team to accidentally release 3 million gallons of mining waste into southwest Colorado's Animas River earlier this month. The assessment began yesterday and is expected to wrap up within 60 days, EPA said. "The goal of DOI's independent review is to provide EPA with an analysis of the incident that took place at Gold King Mine, including the contributing causes," EPA said yesterday. In addition to Interior's review, EPA's Office of Inspector General on Monday told the agency that it plans to research the causes of the Aug. 5 spill as well as EPA's response (*E&ENews PM*, Aug. 17). EPA, which has temporarily halted investigation work at shuttered mines and failing facilities nationwide, said both reviews will help inform current and planned site assessments, investigations, and construction or removal projects. The accident -- triggered by an EPA team investigating contamination at the Gold King Mine near Silverton, Colo. -- released a mustard-colored plume laden with pollutants including arsenic, cadmium, lead and mercury into a tributary of the Animas River, which feeds into the San Juan River in New Mexico and eventually into Lake Powell in Utah. The accident sparked outrage among EPA's critics, including Republicans, state officials and GOP presidential candidate Ben Carson, who toured the area yesterday.

COAL: Opponents puzzle over activist's plan to buy mines An environmentalist is seeking to take over mines from the bankrupt Patriot Coal Corp. in an effort to make the fossil fuel source more green and revive America's struggling Appalachian region. Virginia hospital executive and climate activist Tom Clarke would pay \$0 for the mines but also take over hundreds of millions of dollars in liabilities. He plans to sell their coal bundled with carbon credits earned from planting trees (*Greenwire*, Aug. 18). "This is not your typical [mergers and acquisitions] deal," Clarke said. "We want to be part of the solution." Patriot filed for bankruptcy protection in May for the second time in less than three years, listing debts of \$1 billion that equaled its assets (*Greenwire*, May 12). Clarke's environmental group, the Virginia Conservation Legacy Fund Inc., would acquire 153 mining permits and equipment from Patriot. In return, the group will operate one mine and take on \$176 million in cleanup liabilities and \$109 million in pension and black lung obligations. Blackhawk Mining LLC will acquire the company's other assets (*Greenwire*, Aug. 5). Clarke will sell about 4 million tons of coal annually from West Virginia's Federal Mine. Environmental groups are still unsure about the implications of Clarke's deal. "It is interesting" because "we have a huge liability problem across Appalachia," said Bruce Nilles, the head of the Sierra Club's Beyond Coal campaign. "We are still reviewing the details of this

proposal and so are not ready to conclude good or bad."

### **ASSOCIATED PRESS**

Interior Department to probe EPA accident in Colorado mine WASHINGTON — The Interior Department will lead a review of the Colorado mine spill that tainted rivers in three Western states. The review was announced late Tuesday when elected officials from both parties questioned whether the Environmental Protection Agency should be left to probe its own heavily criticized response to the disaster. EPA and contract workers accidentally unleashed 3 million gallons of contaminated wastewater Aug. 5 as they inspected the idled Gold King mine. The Interior Department's report is expected to be released publicly in 60 days. EPA's inspector general is conducting a separate review. Leaders of oversight committees in the House and Senate say they are planning hearings once Congress returns from its August recess. The six senators from the three states involved — Colorado, New Mexico and Utah — wrote to EPA Inspector General Arthur Elkins on Wednesday asking him to look into more than a dozen questions, including details of the work being done when the spill occurred and the qualifications of the on-scene crew.